

# Notice of Allowability

Application No.

09/699,303

Examiner

Charles I Boyer

Applicant(s)

LUO ET AL.

Art Unit

1751

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' amendment received June 3, 2004.
2. ☒ The allowed claim(s) is/are 17,22,24,26,29-33,39,43 and 45.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Charles I Boyer  
Primary Examiner  
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clark Sullivan on May 27, 2004.

The application has been amended as follows:

In line 3 of claim 17, delete "comprising one or more surfactants"

In line 4 of claim 17, delete "surfactants including at least 50% by weight based on the total weight of surfactants of non-ionic, aliphatic, monohydric alcohol alkoxylates consisting essentially of" and insert —composition comprising active ingredients consisting of—

cancel claims 18-20

In line 4 of claim 33, delete "comprising one or more surfactants"

In line 5 of claim 33, after "recycled newsprint, the" insert —composition comprising active ingredients consisting—

In line 6 of claim 33, delete "surfactants"

In line 7 of claim 33, before the first instance of "alkoxylates" insert —surfactant—

In line 7 of claim 33, delete "consisting essentially of alkoxylates"

In line 3 of claim 39, delete "comprising one or more surfactants"

In line 4 of claim 39, delete "surfactants including"

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In line 4 of claim 39, after "recycled newsprint, the" insert —composition comprising active ingredients consisting—

In line 5 of claim 39, before the first instance of "alkoxylates" insert —surfactant—

In line 6 of claim 39, delete "consisting essentially of alkoxylates"

In line 2 of claim 43, delete "comprising one or more surfactants"

In line 5 of claim 43, after "recycled newsprint, the" insert —composition comprising active ingredients consisting of—

In line 5 of claim 43, delete "surfactants including at least 50% by weight based on the total weight of surfactants of"

2. The following is an examiner's statement of reasons for allowance: Applicants have claimed a non-flotation process for deinking recycled newsprint comprising adding a deinking composition that is solid at room temperature to a recycled newsprint pulp stream in a washing stage and separating ink released by the recycled newsprint, the composition comprising active ingredients consisting of alkoxylates of the following structure:  $R-O-(CH_2-CH_2-O)_nH$  wherein R is a straight chain or branched chain alkyl group of from about 16 to about 18 carbons and n is from about 18 to about 25.

The closest prior art of Calmanti et al, US 4,360,439 teaches a washing process for de-inking waste paper (see abstract). An example of such a composition comprises a C16 E25 alcohol ethoxylate (col. 10, example 8). However, the compositions of Calmanti et al include additional surfactants that are specifically excluded by the claim

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language "consisting of." The examiner would like to make clear that the language "comprising active ingredients consisting of alkoxylates of the following structure" is interpreted as meaning that the alkoxylates claimed are the sole surfactants that may be present in applicants' composition. Accordingly, the present claims are allowable. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Charles I Boyer". The signature is fluid and cursive, with the first name "Charles" and last name "Boyer" clearly distinguishable.

Charles I Boyer  
Primary Examiner  
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